



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/805,011	03/19/2004	Theodore R. Stiles	MGM Promotions	7793
156	7590	03/17/2006	EXAMINER	
KIRSCHSTEIN, OTTINGER, ISRAEL & SCHIFFMILLER, P.C. 489 FIFTH AVENUE NEW YORK, NY 10017			WILKENS, JANET MARIE	
			ART UNIT	PAPER NUMBER
			3637	

DATE MAILED: 03/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/805,011	Applicant(s) STILES ET AL.	
	Examiner Janet M. Wilkens	Art Unit 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Information Disclosure Statement

The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the indicia on the platform must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering

of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Morgan. Morgan teaches a computer accessory (Fig. 1; Note: the term "computer" is merely nomenclature) comprising: a housing (11) having a recessed upper platform (22), side walls (16,18), a front wall (12), a back wall (20) and a base with friction pads (64,69) and a drawer (30) having a storage compartment and being mounted in the housing. The walls of the housing have a curved contour at their intersections. Note: limitations found in "for" intended use statements have been given no weight in the claims.

Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Mattson. Mattson teaches a computer accessory (Fig. 6) comprising: a housing (200) having an upper platform (208), side walls, a front wall (205), a back wall (210) and a base and a

drawer (212,214) having a storage compartment (space between 214 and 212) and being mounted in the housing.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morgan in view of Schreiner. As stated above, Morgan teaches the limitations of claims 1 and 2, including an accessory with a housing and a drawer. For claims 7 and 8, Morgan fails to teach flanges on the drawer and channels in the housing. Schreiner teaches a drawer (42) with flanges (56) and a housing (12,14) with channels (22) to help provide smooth removal and insertion of the drawer out of and in to the housing. The channels each include a stop (32) to prevent removal of the drawer from the housing. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the housing and drawer of Morgan by adding channels in the housing and flanges on the drawer, such as is taught by Schreiner, for the advantages stated above.

Claims 10-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morgan in view of Higbee. As stated above, Morgan teaches the limitations of claim 1, including an accessory with a drawer. For claims 10-13, Morgan fails to teach paper

holding clips inside the drawer. Higbee teaches clips (22) integral with a central bottom portion of a drawer. The clips receive paper and act as a pivot therefore. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the drawer of Morgan by adding the clips and paper of Higbee therein, depending on the intended use of the accessory, e.g. the papers could be recipes, phone numbers, etc. Furthermore, when incorporated with the drawer of Morgan, the clips of Higbee would be adjacent upwardly extended/raised side walls of the drawer.

For claim 14, although Morgan in view of Higbee teaches cutouts corresponding to the clips in the drawer (see Fig. 5), no portion of the inherently resilient arm portion of each clip extends below the bottom panel of the drawer. However, it would have been obvious to bend the clips after the papers are inserted therein, to more securely hold the papers in the drawer.

For claim 15, although Morgan in view of Higbee teaches papers in the drawer with information thereon, no indicia on the platform is disclosed. However, it would have been obvious to add indicia, e.g. secure a piece of paper with wording, onto the platform of Morgan in view of Higbee, to provide additional information to the person(s) using the accessory.

Claims 5, 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mattson. As stated above, Mattson teaches the limitations of claims 1-4, including an accessory with a housing and a drawer. First, for claim 5, Mattson fails to teach that the walls of the housing have curved contours. The examiner takes Official notice that to construct a housing using walls with curved contours is well known in the art.

Therefore, it would have been obvious to construct the walls of Mattson so that they are curved, for aesthetic purposes.

Second, Mattson further teaches channels (218) on the drawer and flanges (216) on the housing to assist in the sliding movement of the drawer and a stop means for the drawer (keypad device 202) . For claim 7, Mattson fails to teach that the flanges are on the drawer and the channels are on the housing. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to reverse the flanges and channels of Mattson, since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. *In re Einstein* 8 USPQ 167.

Claims 9-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mattson in view of Higbee. As stated above, Mattson teaches the limitations of claims 1-4, including an accessory with a housing and a drawer. For claim 9, Mattson fails to teach friction pads on the base of the housing . Higbee teaches a housing (Fig. 2) with pads (2) on the base. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the housing of Mattson by adding pads, such as is taught by Higbee, to the base of the housing, to provide a means to prevent marring of the housing's support surface.

For claims 10-13, Mattson fails to teach paper-holding clips inside the drawer. Higbee teaches clips (22) integral with a central bottom portion of a drawer. The clips receive paper and act as a pivot therefore. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the drawer of Mattson by

adding the clips and paper of Higbee therein, depending on the intended use of the accessory, e.g. the papers could contain phone numbers, e-mail addresses, etc. Furthermore, when incorporated with the drawer of Mattson, the clips of Higbee would be adjacent upwardly extended/raised side walls of the drawer.

For claim 14, although Mattson in view of Higbee teaches cutouts corresponding to the clips in the drawer (see Fig. 5), no portion of the inherently resilient arm portion of each clip extends below the bottom panel of the drawer. However, it would have been obvious to bend the clips after the papers are inserted therein, to more securely hold the papers in the drawer.

For claim 15, although Mattson in view of Higbee teaches papers in the drawer with information thereon, no indicia on the platform is disclosed. However, it would have been obvious to add indicia, e.g. secure a piece of paper with wording, onto the platform of Mattson in view of Higbee, to provide additional information to the person(s) using the accessory.

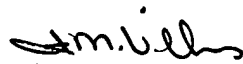
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janet M. Wilkens whose telephone number is (571) 272-6869. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3637

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wilkins
March 14, 2006


JANET M. WILKENS
PRIMARY EXAMINER
Art Unit 3637